

In the Matter of the Petition	)	
For Reinstatement of	)	
	)	
MILTON ELMER DENMARK	)	No. D-1480
	)	
Petitioner	)	N-15087
	)	

This matter came on regularly for hearing before a five member panel of the Medical Quality Review Committee, District Two, and Robert R. Coffman, an Administrative Law Judge of the Office of Administrative Hearings, June 13, 1980 in Sacramento, California. Petitioner was present and was represented by W. Robert Morgan, his attorney. Roy Liebman, Deputy Attorney General, represented the Committee.

## FINDINGS OF FACT

Petitioner Milton E. Denmark was licensed in California in 1945. His certificate to practice medicine and surgery in the State of California was revoked by the Board effective March 12, 1975. A prior petition for reinstatement was denied by the Division by order effective May 10, 1978. On or about April 18, 1980 Petitioner filed the instant Petition for Reinstatement.

The Board's 1975 decision was based on findings that Petitioner on three separate occasions commencing in May, 1974 engaged in acts of sexual transgressions concerning one female patient; that in May 1972 he engaged in improper and unprofessional sexual conversation with the mother of a seven year old female patient; that in June and July 1971 he engaged in sexual transgressions with two other female patients.

Petitioner is employed as a real estate salesman.

Petitioner is considering becoming a medical missionary for the Seventh Day Adventist Church in the event his license is restored.

Petitioner is undergoing counseling by a licensed marriage counselor. He also saw a Bakersfield psychiatrist for a few months in 1979.

#### DETERMINATION OF ISSUES

Cause has been established to reinstate Petitioner's license conditionally on a probationary basis.

#### ORDER

Petitioner's license is restored and Petitioner is placed on probation for ten years on the following terms and conditions:

1. Within 60 days of the effective date of this decision, Petitioner must embark upon and maintain a course of psychiatric treatment approved by the Division and administered by a psychiatrist with prior approval of the Division.

Petitioner shall maintain said psychiatric treatment until the Division is satisfied that the treatment may be terminated. To make this determination, the Division may require periodic administrative psychiatric evaluations by a psychiatrist designated by the Division, and may require Petitioner to cause the submission of progress reports from the treating psychiatrist.

2. Petitioner may not practice in any area of medicine involving direct patient contact. He may not provide any direct patient care, including the examination, diagnosis, and treatment of patients. Petitioner's employment as a physician and surgeon during the period of probation must be approved in advance by the Division. Any change in employment must be approved in advance by the Division.

Before accepting employment as a physician and surgeon, Petitioner shall notify his prospective employer of the restrictions placed upon his practice of medicine by this order. Upon acceptance of employment the employer shall immediately confirm in writing to the Division that the employer has been so notified.

3. Petitioner shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

4. Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

5. Petitioner shall comply with the Division's probation surveillance program.

6. Petitioner shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

7. In the event Petitioner should leave California to reside or to practice outside the State, he must notify in writing the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

8. If Petitioner violates probation in any respect, the Division, after giving Petitioner notice and the opportunity to be heard, may terminate probation and revoke the license.

Upon successful completion of probation, Petitioner's certificate will be fully restored.

Dated: \_\_\_\_\_

*June 30, 1980*

EFFECTIVE: \_\_\_\_\_

*August 8, 1980*

MEDICAL QUALITY REVIEW COMMITTEE

By \_\_\_\_\_

*H. G. [unclear]*